

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION

\* \* \* \* \*

LESLIE TORGERSON

Plaintiff,

-vs-

ROBERTS COUNTY, SOUTH  
DAKOTA, TYLER APPEL, in his  
individual and official capacity;  
ZACHARY ANGERHOFER, in his  
individual and official capacity,  
WESLEY BOWSHER, in his  
individual and official capacity, ROSS  
TORGERSON, and TERRY  
TORGERSON

Defendants.

1:22-cv-1008

**DEFENDANTS ROBERTS COUNTY,  
TYLER APPEL, ZACHARY  
ANGERHOFER, AND WESLEY  
BOWSHER'S MOTION FOR  
SUMMARY JUDGMENT**

\* \* \* \* \*

**MOTION**


Pursuant to Fed. R. Civ. P. 56(a), Defendants Roberts County, Tyler Appel, Zachary Angerhofer, and Wesley Bowsher respectfully move this Court to grant summary judgment in their favor. Defendants Tyler Appel, Zachary Angerhofer, and Wesley Bowsher, in their individual capacities, assert they are protected by the doctrine of qualified immunity and are entitled to judgment as a matter of law. Defendants Tyler Appel, Zachary Angerhofer, and Wesley Bowsher, in their official capacities, and Roberts County assert that they are entitled to judgment as a matter of law as to the plaintiff's municipal liability claims, to the extent they are even pled. Finally, the plaintiff's state law claims fail as a matter of law and should be dismissed.

This Motion is supported by the pleadings and files herein; the Affidavit of Ryan S. Vogel in Support of Defendants Roberts County, Tyler Appel, Zachary Angerhofer, and Wesley Bowsher's Motion for Summary Judgment; Defendants Roberts County, Tyler Appel, Zachary Angerhofer, and Wesley Bowsher's Statement of Undisputed Material Facts; and the Brief in Support of Defendants Roberts

County, Tyler Appel, Zachary Angerhofer, and Wesley Bowsher's Motion for Summary Judgment, which are served and filed herewith.

Dated this 20<sup>th</sup> day of November, 2023.

RICHARDSON, WYLY, WISE, SAUCK  
& HIEB, LLP

By   
Attorneys for Defendants Roberts County,  
Tyler Appel, Wesley Bowsher, and  
Zachary Angerhofer

Ryan S. Vogel  
One Court Street  
Post Office Box 1030  
Aberdeen, SD 57402-1030  
Telephone No. (605)225-6310  
Email: rvogel@rwwsh.com